

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,

Plaintiff,

v.

DEPUTY BAEZ,

Defendant.

No. 1:20-cv-00858-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT'S MOTION TO DISMISS, AND
DISMISSING ACTION WITH PREJUDICE

(ECF Nos. 32, 42)

ORDER DENYING PLAINTIFF'S REQUEST
FOR VOLUNTARY DISMISSAL

(ECF No. 53)

ORDER DIRECTING CLERK OF COURT TO
TERMINATE ALL PENDING MOTIONS AND
CLOSE THE CASE

Plaintiff William J. Gradford is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 3, 2022, Defendant filed a motion to enforce a settlement agreement entered into by the parties and to dismiss pursuant to a release and discharge signed by Plaintiff on

///

May 7, 2019. (ECF No. 32.) Plaintiff filed a response in opposition. (ECF No. 35.)

On August 26, 2022, the then-assigned United States Magistrate Judge issued findings and recommendations to grant Defendant's motion for an order enforcing settlement and to dismiss this case with prejudice. (ECF No. 42.) Plaintiff filed four sets of objections to the findings and recommendations. (ECF Nos. 43, 45, 46, 50.) In his objections, Plaintiff references other cases and argues there are "many errors" in the settlement agreement. Plaintiff's objections are not supported by the record and fail to demonstrate the findings and recommendations are erroneous.

On September 29, 2022, Plaintiff filed a request to voluntarily dismiss this case. (ECF No. 32.) Because this case is dismissed on Defendant's motion, Plaintiff's request for voluntary dismissal is moot. Moreover, Plaintiff has failed to submit a stipulation signed by the parties, and the Court has determined that this action must be dismissed with prejudice on the merits. *See* Fed. R. Civ. P. 41(a). Therefore, Plaintiff's request for voluntary dismissal is denied.


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on August 26, 2022 (ECF No. 42), are adopted in full;
2. Defendant's motion for an order enforcing the parties' settlement agreement and dismissing the case, (ECF No. 32), is GRANTED;
3. Plaintiff's request for voluntary dismissal (ECF No. 53), is DENIED;
4. This action is DISMISSED WITH PREJUDICE;
5. The Clerk of Court is directed to terminate all pending motions and close the case.

IT IS SO ORDERED.

Dated: November 2, 2022


UNITED STATES DISTRICT JUDGE